

11-09-06

Attorney's Docket No.: 17248-004US1 / 4804US

DPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar A. Szalay et al.
Serial No. : 10/516,785
Filed : June 27, 2005

Art Unit : 1636
Examiner : Daniel M. Sullivan
Customer No.: 20985
Confirm. No.: 7336

Title : Light emitting microorganisms and cells for diagnosis and therapy of diseases associated with wounded or inflamed tissue

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

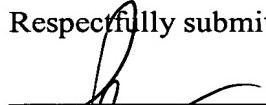
Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Form PTO-1449 (1 page), copy of European Examination Report, copy of Australian Examination Report, cited non U.S. patent documents, and a return postcard for filing in connection with the above-captioned application. Because this Supplemental Information Disclosure Statement is filed prior to receipt of a first Office Action on the merits for the above-captioned application, a fee for filing this statement should not be due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 06-1050, as stated below:



The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,


Stephanie Seidman
Reg. No. 33,779

Attorney's Docket No.: 17248-004US1 / 4804US

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Date of Deposit November 9, 2006

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie Seidman



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN
 ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Because this Supplemental Information Disclosure Statement is filed before the receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Forms PTO-1449 (1 page) and copies of the cited non U.S. Patent documents are provided herewith in connection with the above-captioned application.

The documents cited on the Forms PTO-1449 are in the English language, with the exception of items noted below. Item AB (EP1020197) is in the German language and an English language equivalent (Item AA) is listed. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Provided herewith is a copy of a European Examination Report, issued October 2, 2006, in connection with European Patent Application No. 02012552.2 (Attorney Docket No.

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 Date of Deposit November 9, 2006
 I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie Seidman

17248-004EP1/ 4804EP). The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907, which claims priority to European Patent Application No. 02012552.2. In the European Examination Report, Examiner cites seven documents: D3 (WO0125399), D4 (EP1020197), D5 (Parrish *et al.*, "Targeting widespread sites of damage in dystrophic muscle: engrafted macrophages as potential shuttles" *Gene Therapy*, 3:13-20 (1996)), D6 (Deng *et al.* "Engineering Ex Vivo-Expanded Marrow Stromal Cells to Secrete Calcitonin Gene-Related Peptide Using Adenoviral Vector" *Stem Cells* 22:1279-1291 (2004)), D7 (Van Damme *et al.* "Bone Marrow Stromal Cells as Targets for Gene Therapy" *Curr. Gene Ther.*, 2:195-209 (2002)), D8 (Cioffi *et al.* "A novel endothelial cell-based gene therapy platform for the in vivo delivery of apolipoprotein E" *Gene Therapy* 6:1153-1159 (1999)) and D9 (Torrente *et al.* "Intraarterial injection of muscle-derived CD34+Sca-1+ stem cells restores dystrophin in mdx mice" *J. Cell Biol.* 152(2):335-348 (2001)). D3 has already been made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449, filed July 21, 2005. D4 - D9 are being made of record in this Supplemental Information Disclosure Statement, supplied with Forms PTO-1449 and copies of the cited documents.

Provided herewith is a copy of an Australian Examination Report, issued October 5, 2006, in connection with Australian Patent Application No. 2003236696 (Attorney Docket No. 17248-004AU1/ 4804AU), which is a national stage filing of International Patent Application No. PCT/EP03/05907, which claims priority to European Patent Application No. 02012552.2. The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907, which claims priority to European Patent Application No. 02012552.2. Hence the instant application and Australian Patent Application No. 2003236696 claim priority to a common application and ultimately to the same parent application. In the Australian Examination Report, Examiner cites two documents: D1 (US 6217847) and D2 (Rodriguez, *et al.*, "Expression of the firefly luciferase gene in vaccinia virus: A highly sensitive gene marker to follow virus dissemination in tissues of infected animals", *Proc. Natl. Acad. Sci. U.S.A.*, 85: 1667-1671 (1988)). D1 and D2 have already been made of record in the instant application in an Information Disclosure Statement, supplied with Forms PTO-1449, filed July 21, 2005.

Applicant also makes known to the Examiner the following U.S. and international applications, which are commonly owned and/or have one or more inventors in common.

Applicant : Szalay et al.
Serial No. : 10/516,785
Filed : June 27, 2005

Attorney's Docket No.: 17248-004US1 / 4804US
Supplemental Information Disclosure Statement

Serial No.
11/529,662

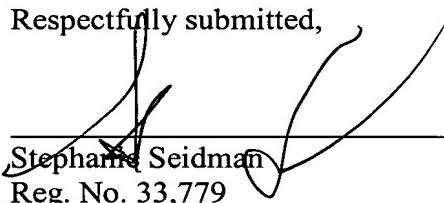
Filing Date
09/27/06

Docket No.
17248-002003/4802C

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and they be made of record in the file history of the above-captioned application.

Respectfully submitted,


Stephanie Seidman
Reg. No. 33,779

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Substitute Form PTO-149 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785				
List of Patents and Publications for Applicant's Information Disclosure Statement <i>(37 CFR §1.98(b))</i>		Applicant Aladar Szalay et al.					
		Filing Date June 27, 2005	Group Art Unit 1636				
U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6,359,189	03/19/2002	Fleischmann	602	41	01/14/2000

Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation
							Yes
	AB	1 020 197	07/19/2000	EP			X+

X+ = An English language equivalent is provided.

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AC	Cioffi et al. "A novel endothelial cell-based gene therapy platform for the in vivo delivery of apolipoprotein E" <i>Gene Therapy</i> 6:1153-1159 (1999)
	AD	Deng et al. "Engineering Ex Vivo-Expanded Marrow Stromal Cells to Secrete Calcitonin Gene-Related Peptide Using Adenoviral Vector" <i>Stem Cells</i> 22:1279-1291 (2004)
	AE	Kaufman et al., "Insertion of interleukin-2 (IL-2) and interleukin-12 (IL-12) genes into vaccinia virus results in effective anti-tumor responses without toxicity" <i>Vaccine</i> 20:1862-1869 (2002)
	AF	Kutinova et al., "Hepatitis B virus proteins expressed by recombinant vaccinia viruses: influence of preS2 sequence on expression surface and nucleocapsid proteins in human diploid cells" <i>Archives of Virology</i> 134:1-15 (1994)
	AG	Parrish et al., "Targeting widespread sites of damage in dystrophic muscle: engrafted macrophages as potential shuttles" <i>Gene Therapy</i> , 3:13-20 (1996)
	AH	Perkus et al. "Recombinant Vaccinia Virus: Immunization Against Multiple Pathogens" <i>Science</i> 229(4717):981-984 (1985)
	AI	Pfleiderer et al., "A novel vaccinia virus expression system allowing construction of recombinants without the need for selection markers, plasmids and bacterial hosts" <i>J. General Virology</i> 76:2957-2962 (1995)
	AJ	Torrente et al. "Intraarterial injection of muscle-derived CD34+Sca-1+ stem cells restores dystrophin in mdx mice" <i>J. Cell Biol.</i> 152(2):335-348 (2001)
	AK	Van Damme et al. "Bone Marrow Stromal Cells as Targets for Gene Therapy" <i>Curr. Gene Ther.</i> 2:195-209 (2002)

Examiner Signature	Date Considered
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	